

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

General Affairs Committee
November 05, 2009

[CONFIRMATION]

The Committee on General Affairs met at 11:00 a.m. on Thursday, November 5, 2009, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Kent Rogert, Vice Chairperson; Colby Coash; Tanya Cook; Merton "Cap" Dierks; Annette Dubas; Bob Krist; and Scott Price. Senators absent: Russ Karpisek. []

SENATOR ROGERT: We're going to go ahead and get started. Senator Karpisek is in Referencing Committee and he'll catch up with us when he gets a chance. But we'll go ahead and open the hearings for the day. Welcome to General Affairs. I'm Senator Rogert from Tekamah. I'll introduce the members. To my far right is Senator Coash from Lincoln; Senator Krist will probably join us from Omaha; Senator Dierks from Ewing; our committee counsel, Josh, is here; and on my left is Senator Dubas from Fullerton; Senator Cook from Omaha; Senator Price will join us; and our committee clerk is Joan. She's over there. The page today is John from Sutherland. And we have five hearings today. We've got Tom Ourada for the State Electrical Board; Dave Gardels, Joanne Medlock, Stephanie O'Keefe, and Sandra Schroeder all for the Arts Council. Okay. After each individual gets up to speak, we'll offer testimony in support of a nominee or opposition and neutral. If you're planning on testifying in any capacity, please pick up a sign-in sheet on the table at the back of the room at both entrances. Please fill out that sheet before your testify. When it's your turn, give the sign-in sheet to one of the pages or the committee clerk and come up to the front. If you have any handouts, please hand them to the page and he'll pass them out. Please speak clearly into the microphone and state your full name and spell your first and last name for us. If you have your cell phone on, go ahead and turn that off, including senators, that happens. We'll go ahead and get started. Mr. Ourada, will you please come forward. Am I saying that correctly?

[CONFIRMATION]

TOM OURADA: Close. Ourada. [CONFIRMATION]

SENATOR ROGERT: Okay, come on up. [CONFIRMATION]

TOM OURADA: Good morning, senators. My name is Tom Ourada, T-o-m O-u-r-a-d-a, interested in continuing on the State Electrical Board. I believe that I have the background and experience to continue to do a good job and represent municipalities on the board. I'd entertain any questions and try and answer them as best I can.

[CONFIRMATION]

SENATOR ROGERT: Okay, thank you. Are there any questions from the committee? Senator Dubas. [CONFIRMATION]

SENATOR DUBAS: Thank you, Senator Rogert. Thank you, Mr. Ourada, for your

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service and for being here. I guess, I would have a question on the electrical code and we've been struggling with that as a committee, getting it out, getting it adopted and things like that. Why can't we get movement with this? What's the problem and do you have any solutions for us? [CONFIRMATION]

TOM OURADA: Personally, I think, there's some misunderstanding on the impacts of the most recent code. And I know that our division director has worked very hard to try and get word out. As a board, we meet generally monthly. And we try to evaluate our approach and make sure that there isn't an adverse or a minimal impact on home builders, homeowners, that type of thing. That's the most contentious point right now. And we intend to try again and keep going with it because we feel it's important. [CONFIRMATION]

SENATOR DUBAS: By us not being able to get this adopted, is it causing any problems for contractors? What's the fallout from it? [CONFIRMATION]

TOM OURADA: I do not know if it's causing problems with contractors. I'll speak from a personal point of view right now. For six years I've been the assistant fire chief in Crete also. One of the more contentious points is the cost of arc fault interrupters. There is some cost with that. I don't believe there is the cost that some people fear there is. I can say by personal, firsthand experience I believe that the installation of arc fault interrupters in residential dwellings would have prevented three house fires that I personally know of in 16 years in Crete only. So I look at it from two different perspectives--a safety perspective, and I certainly am not abdicating fear, because it's not. They're just...they've been reviewed nationwide. There were glitches originally. Those have been worked out. The manufacturing costs have been reduced and they're highly reliable. Many other states have adopted the recent code including arc fault interrupters. [CONFIRMATION]

SENATOR DUBAS: Well, great. I hope we can get some resolution to the issue. And again, thank you for your service. [CONFIRMATION]

SENATOR ROBERT: Thank you, Senator. Are there any other questions for the individual? Yes, Senator Dierks. [CONFIRMATION]

SENATOR DIERKS: Thanks for your appearance today, Tom. I was going to ask you, when the electrical code is put together so that whoever is doing electrical wiring and so forth they have this thing they follow. Are those mostly state rules and regulations or are those mostly federal rules and regulations or is there a combination of both? How is that put together? [CONFIRMATION]

TOM OURADA: The code followed generally is the National Electric Code, and that is a national code. There are state rules and regulations in addition to that in the Electrical

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Act that are followed. That is controlled by the Legislature and enforced by the State Electrical Board. So it's a combination of both. The general wiring, though, is national.
[CONFIRMATION]

SENATOR DIERKS: Okay. Thank you. [CONFIRMATION]

SENATOR ROBERT: Any other questions? Thanks for coming in today.
[CONFIRMATION]

TOM OURADA: Thank you, senators. [CONFIRMATION]

SENATOR ROBERT: Is there anybody here wishing to testify in support of Mr. Ourada? Anybody here wishing to testify in nonsupport or in a neutral capacity? Okay, that closes the hearing. We'll move onto the next one. Mr. Gardels. [CONFIRMATION]

DAVID GARDELS: Yes. [CONFIRMATION]

SENATOR ROBERT: Is that correct? [CONFIRMATION]

DAVID GARDELS: Gardels. [CONFIRMATION]

SENATOR ROBERT: Well, I'm going to get one right one of these times. Thanks for coming in. [CONFIRMATION]

DAVID GARDELS: You're very welcome. Good morning. I'm David Gardels, D-a-v-i-d Gardels, G-a-r-d-e-l-s. And, let's see, I would be...I'm here about serving one additional term on the Nebraska Arts Council, where I've been serving for three years so far.
[CONFIRMATION]

SENATOR ROBERT: Okay. Are there any questions from the committee? I have one.
[CONFIRMATION]

DAVID GARDELS: Yes. [CONFIRMATION]

SENATOR ROBERT: You probably noticed, you're on the chopping block today (laugh). A fair amount of money is being asked to be cut from your budget. I'm a big supporter of the Arts Council and things you do. What's a half million dollars out of your budget every year going to do, in your opinion? [CONFIRMATION]

DAVID GARDELS: You know, a couple of things about the Arts Council and my service and observation. One, it's a really, really well-run agency where they do really a lot with the state and federal money. And it's, you know, a real pleasure to serve because the board and the staff are so excellent. So what we really try to do is take the amount of

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money we have and really maximize, you know, the use of it. So, I think, and the screening process that's gone through by the staff and the board and all of us on the board, you know, volunteer our time to do screening, and we really try to find the things that work the best. But so, I think, so we have, you know, support for some of the larger organizations with multimillion dollar budgets where they get a fairly nominal amount, probably say amounts of \$50,000 probably get cut some. Then at the lower end of the range, you know, people will apply for \$4,000 to do something in Battle Creek or Ewing, up in our neck of the woods, whatever. I mean, some of those things just that are, you know, won't get funded, some would get funded in lower levels. No one gets funded at 100 percent. So, I think, you know, it's really tough economic times and everyone has to sacrifice. I just think, you know, this agency will do the best we can. And I would think, again, that some of the larger grants just get reduced somewhat. And then there will be marginal ones that we would fund in a good year that we might not fund at all.
[CONFIRMATION]

SENATOR ROBERT: Sure. Do you have a particular project that is your favorite that you guys fund? There's so many, I see the list of things and... [CONFIRMATION]

DAVID GARDELS: No, I mean, it's just massive. I think, you know, I'm from...I didn't say this but I'm from Battle Creek, Nebraska, a little town. And, you know, in addition to supporting the groups in Omaha and Lincoln, we do such a good job of really supporting things really across the state in every category. And that's really been the kind of rewarding part. In our board meetings we travel around the state, in Minden, and we were just out in Valentine, you know. And so we try to go out and see where our dollars are going around the state. And it's very rewarding. [CONFIRMATION]

SENATOR ROBERT: Great, thanks. Senator Price. [CONFIRMATION]

SENATOR PRICE: Senator Rogert, thank you. Sir, real quick then. Can you give an approximation of the scope and number of projects that do receive grants, so when you're talking about "spreading the pain," how many projects are there that you end up affecting? Ballpark, you don't have to be exact. [CONFIRMATION]

DAVID GARDELS: Gosh. Yeah, I mean, literally hundreds. I mean, I think that again, and we have...part of why it's hard is we have a whole bunch of categories. You know, there are basic support grants for some of the larger things. And then there are, you know, support for a whole bunch of categories of things. And then there are also programmatic things. For example, the Arts Council prepares a list of artists and art things that are not necessarily approved but available to go on school programs or whatever. So that we've got a roster of local artists who are ready to hop up and go. They know what the program is; we've kind of approved the program as being suitable, and also they are eligible to apply for funding for that. So, I mean, if you count the number of events we support it's in the hundreds. [CONFIRMATION]

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SENATOR PRICE: And then would you envision then that with cuts those cuts would go through the depth of the organization as well as the breadth of the organization?
[CONFIRMATION]

DAVID GARDELS: You know, I think that's what I was saying. I mean, and I hadn't even thought you were going to ask me these questions, so I'm unauthorized as a board member. But, I think, that it's, you know, again, I think the size of some grants will be reduced and then there are, you know, events that if we, you know, we have for a category \$75,000 to give and we have 25 or 35 or 40 applicants, right. So it's really a very rigorous process we go through of ranking and screening. And you know it's really pretty objective. But at the end of the day, we have to allocate the money. You know, and so I think some of the ones that for that particular category are marginal. They may be great artists but it's not for this category, whatever, will get reduced. So I think it would be size across the board, but then also there will be things that wouldn't be funded. [CONFIRMATION]

SENATOR PRICE: Okay, thank you. [CONFIRMATION]

SENATOR ROBERT: Any further questions? Thank you, sir, for coming.
[CONFIRMATION]

DAVID GARDELS: Thank you. [CONFIRMATION]

SENATOR ROBERT: Anybody wishing to testify in support of Mr. Gardels? In nonsupport or neutral? Okay. That closes that hearing. Ms. Medlock you're up. Welcome. [CONFIRMATION]

JOANNE MEDLOCK: Thank you. I'm Joanne Medlock, J-o-a-n-n-e M-e-d-l-o-c-k and I'm from Valentine. And, I guess I'm here to be confirmed or have confirmation of my appointment to a second term on the Nebraska Arts Council. [CONFIRMATION]

SENATOR ROBERT: Okay. Are there any questions for Ms. Medlock? I have a couple. I assume that, I don't know how big the name Medlock is, but I have some very good friends from Valentine, Matt Medlock is a good friend of mine. I don't know if he's related or not so. [CONFIRMATION]

JOANNE MEDLOCK: Yes, he's my nephew; he's my brother's son. [CONFIRMATION]

SENATOR ROBERT: Yes. Well, I'll speak for at least me, and you're in, in my point. But do you have a favorite project that you've noticed on that list that you like? Something especially that you're enjoying that we fund, that you fund through that project?
[CONFIRMATION]

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JOANNE MEDLOCK: No, I don't think I have one favorite. As has already been mentioned, we are so important to so many smaller communities that otherwise might not have the influence from a particular artist or a particular program, whether it be through the school or presented through the area arts council or whatever. And I think probably, just because my greater interest is in seeing the arts available throughout the state rather than just concentrated in the five larger counties in southeastern Nebraska, that I guess I have a soft spot for area arts councils that really do a good job in outstate Nebraska, such as the Valentine Area Arts Council. [CONFIRMATION]

SENATOR ROBERT: Absolutely. Thank you. [CONFIRMATION]

JOANNE MEDLOCK: Um-hum. [CONFIRMATION]

SENATOR ROBERT: Senator Coash, you had a question? [CONFIRMATION]

SENATOR COASH: Sure, thank you, Senator Robert. You kind of answered my question. I'm from the Sandhills as well, so I'm always interested in making sure the statewide boards make it to the entire state and don't...it can be easy to be concentrated on this end of the state. So are we doing a good job of spreading it to all areas of our state? [CONFIRMATION]

JOANNE MEDLOCK: Right. I think we are. As has been mentioned, the board is, you know, very active in the selection and determination of, you know, whatever amount is available in the pie. And we...and our service is voluntary. I mean, you know, there isn't any remuneration of any kind. And we take it very seriously. And it's quite rigorous. You know, we study and we try to be very objective, as much as possible, about quality and need and so forth. And the staff of the Nebraska Arts Council is extraordinary. Their ability is extraordinarily high in organizing and making information available to board members in their selection. And I just think in my experience with state agencies that, you know, this is one of the most efficient. And I have very much valued my service the first term. And, I think, we do very, very worthy yeoman work in favor of outstate Nebraska. And that is not to say that there aren't wonderful programs, smaller programs, larger programs available in the metro area. But just historically, I think, the outstate area has been shortchanged in terms of availability to the arts. [CONFIRMATION]

SENATOR COASH: Thank you. [CONFIRMATION]

SENATOR ROBERT: Senator Dierks. [CONFIRMATION]

SENATOR DIERKS: Thanks, Kent. Could you just give us a brief statement about what all is involved with the Arts Council? I mean, is it paintings, pottery, photography? What

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are all... [CONFIRMATION]

JOANNE MEDLOCK: Sure. This has more to do with the performing arts and availability, or visual art or...and we actually on the board sit on various panels that determines, you know, funding, grant funding for artists that will be on the road for performance or assist in the school programs across the state. And whether that be, you know, a musical performing art and, you know, acting, some sort of instruction, art instruction. It covers the gamut. And I'm...I particularly recall one panel I served on where a little community, I mean, I don't think there were 300 people in the community. But they had decided to...they wanted to take the side of an abandoned building and they had an artist who would be able to do a quality mural. And they had actually turned to us for some grant money. And they had gone to a lot of work to submit information regarding the quality and how they were going to use the funds and so forth and so on. And it was like \$600 but it meant the difference, really, to whether this community would have any visual art in its small village. And I remember really discussing long and hard to convince my colleagues that this was, you know, of really significant importance to this community. And, in fact, we did fund it. So it's everything from soup to nuts, I think. You know, a potter may well want to do something for school education across the state and be looking for some grant money. [CONFIRMATION]

SENATOR DIERKS: Good. I've got some paintings that I did in the fifth grade. Maybe I could have you come by and take a look at those. (Laughter) And I had an excellent instructor. She was a Franciscan nun and she's from Germany. And her name was Sister Maxine, and she spoke very broken. And my mother was pretty insistent that I take lessons from her, so I did. And she...my name is spelled D-i-e-r-k-s. Most of the time she put my name on the things we got for the art show and she always spelled it D-i-r-k. And I never bothered to correct her because that wasn't something you did with Sister Maxine. [CONFIRMATION]

JOANNE MEDLOCK: No, I wouldn't guess. [CONFIRMATION]

SENATOR DIERKS: But maybe some day you might want to stop by and take a look. I don't know if I can find them though. (Laugh) Thank you very much. [CONFIRMATION]

JOANNE MEDLOCK: Well, I'm sure I wasn't asked to serve on the board because of my artistic ability. (Laugh) [CONFIRMATION]

SENATOR DIERKS: Well, thank you very much. [CONFIRMATION]

JOANNE MEDLOCK: Certainly. [CONFIRMATION]

SENATOR ROBERT: Any further questions? Thank you, Ms. Medlock, for coming in today. [CONFIRMATION]

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JOANNE MEDLOCK: Um-hum, you're welcome. [CONFIRMATION]

SENATOR ROBERT: Is there anybody wishing to testify in any capacity? That closes that hearing. What we got here? Stephanie O'Keefe. Welcome, thanks for coming. [CONFIRMATION]

STEPHANIE O'KEEFE: Thank you, good morning. I'm Stephanie O'Keefe, S-t-e-p-h-a-n-i-e O-'-K-e-e-f-e. [CONFIRMATION]

SENATOR ROBERT: Okay. You're here today to be confirmed. Is this your first term? [CONFIRMATION]

STEPHANIE O'KEEFE: This would my first term, yes. [CONFIRMATION]

SENATOR ROBERT: Okay. And you'll notice, these are fairly informal. So thanks for coming. Does anybody have any questions for Ms. O'Keefe? I have a couple comments. I've supported the funding for the Arts Council ever since I've been here, which is not a long time, but a little time. And I will say that it's...I think I've seen a thank you card for every single dollar that's been spent through the Arts Council that benefits small children and I keep them all. And I've got a pretty good stack going over there in my office. And about once a month I'll get a little pile of cards from some kids who got to ride the bus to Omaha from somewhere to see something for a couple hours that it wasn't more than \$400 or \$500 or \$600 that we gave that school to do that or that youth group or something. But they appreciate it and their teachers appreciate it. And I think it's wonderful. And I will continue to support it. And I'm glad you guys are here doing your job for free. So thanks very much. [CONFIRMATION]

STEPHANIE O'KEEFE: Thank you. [CONFIRMATION]

SENATOR ROBERT: Any questions? Seeing none, thank you. That was pretty easy. Anybody wishing to testify in any capacity? [CONFIRMATION]

SENATOR PRICE: Senator Nelson may. [CONFIRMATION]

SENATOR ROBERT: Senator Nelson, are you here to testify for somebody? [CONFIRMATION]

SENATOR NELSON: No, I'm not. Is everything finished? [CONFIRMATION]

SENATOR ROBERT: Not quite. Well, that will close the hearing on Stephanie O'Keefe. And it's my understanding that Sandra Schroeder is ill. Come on up, sir. Yeah, we're going to grill him hard. Spell your name perfectly, please. [CONFIRMATION]

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MATT BOEVER: That's right, I'll do my best. Matt Boever, B-o-e-v-e-r. I'm in Senator Flood's Office. And Sandra Schroeder is sick. I did talk to her this morning. She's feeling better. She's had the flu. She said that she regretted she can't be here today and did want to thank the Governor for reappointing her to the Nebraska Arts Council and thank the committee for its consideration of her. I think you have copies of her application. So I'd just highlight a couple of things. She was a fine arts major at the University of Nebraska. And for the last 30 years she's been self-employed in the family-owned land surveying business. She's also been a licensed realtor here in Nebraska for over 20 years. She said she's long been interested in art and architecture and antiques. And finally, she wanted me to mention that in light of the Governor's recent memorandum regarding the budget and the state's budget picture, she'd do her best to promote fiscal restraint and economy while still preserving the purposes of the Nebraska Arts Council. And that's all I have. [CONFIRMATION]

SENATOR ROBERT: Thank you, Matt. Are there any questions for Mr. Boever? Okay. Oh, yes, Senator Krist. [CONFIRMATION]

SENATOR KRIST: Not necessarily a question for you because you're not on the council. But how much nonprofit other help does the...do you get? When you go into a project like that and, for example, the small town or anything that's done, do you see the community pitching in? [CONFIRMATION]

MATT BOEVER: Yeah, and so that's part of...I mean, and part of the reason we have trouble with this is that, I mean, we do so many things in so many...we have a big notebook, every time we sit down, with all of these things. But every single one has an application which lists the other support, and do they have community support or do they have other sources of funding. So there might be some very rare, really small things where we're providing this for, otherwise it's...part of the thing is what are all the sources. And we're never all of it and we're always a very small part of it. So they come with an application that says, you know, this is a festival. It's three days in a small community, it has all the elements. It's going to cost \$15,000, they're only asking for \$1,800 from us. So that's how it works. [CONFIRMATION]

SENATOR KRIST: As a target, in your experience, what portion, if you had to put a number on it, what percentage are you in any of the projects? [CONFIRMATION]

JOANNE MEDLOCK: I'd say most of the time we're a small part, maybe you know, less than 10 percent. [CONFIRMATION]

MATT BOEVER: Right, absolutely. [CONFIRMATION]

JOANNE MEDLOCK: However, in the case that I particularly mentioned, I think we may

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well have been the only support. [CONFIRMATION]

MATT BOEVER: So it would be really, I mean, the very smallest projects we might higher. But typically, it's at a very low range. But it's...and there are plenty where it makes a difference of either having the project or not. And I think, you know, it also (inaudible) community supporters lends, you know, credibility to the project and helping them get more support if there's (inaudible). So I think if the kind of concept is do we think our money is leverage in the community, I think absolutely so. [CONFIRMATION]

SENATOR KRIST: Well, keep up the good work. I think that every time we go out and unify any part of a community and add just a little piece it's a good thing. [CONFIRMATION]

JOANNE MEDLOCK: May I say something? [CONFIRMATION]

SENATOR ROBERT: Sure. [CONFIRMATION]

JOANNE MEDLOCK: This past weekend in Omaha, the Arts Council supported a workshop for professional artists. And the point of this workshop was to teach artists how to market themselves, how to talk to potential "funders," how to get on the Internet to sell their things. If an artist can't sell what they have, you know, they can't keep doing what they're doing. So I think that's another way. I believe the Arts Council supported that or provided that (inaudible) scholarships for these people. And they were from all over this state. [CONFIRMATION]

MATT BOEVER: Yeah, another example of that that's been really, you know, important is there have been a series of programs for small community museums that are...so it's not grant money but it's how do you...how exactly do you run a museum when you're the only staff person. You know, how do you keep your books, how do you...how can you improve what you do, how can you seek more funding? So there is that level both at the artist and the community organization of where we'll do a grant for a series. (Inaudible) done two or three of these for the museums over a period of time. But just, you know, how can you keep, you know, a museum in a small town open and staff it, what resources are there. So there's a really unique set of things we do that are, you know, helping people and supporting that level of not just creating the art, but how do you do a museum or how do you run a business as an artist. [CONFIRMATION]

SENATOR KRIST: Thank you. Thank you. [CONFIRMATION]

SENATOR ROBERT: Thanks. Thanks, Matt. [CONFIRMATION]

MATT BOEVER: You're welcome. [CONFIRMATION]

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SENATOR ROBERT: Senator Nelson. [CONFIRMATION]

SENATOR NELSON: Thank you, Mr. Vice Chairman. Your chairman and I were both involved in the Reference Committee and we had long discussions up there. So he's not down, but I'm glad you're running it. I'm Senator John Nelson. I just...I'm sorry I missed the rest of the hearing. I did want to speak on behalf of Stephanie O'Keefe who's a constituent of mine, District 6. She has a business background. She's worked with trusts. I think that's very helpful to have someone like that on the Arts Council. And so I certainly recommend her. It's very interesting to hear Mr. Gardels and the others speak about the Arts Council and the work that they do. I just want to alert you to the fact that part of the Governor's recommendation is that we cancel the transfer of funds to the Cultural Preservation Fund. And this was a good description here today of what that fund contributes to. It brings in contributors with matching funds. We cut it way back on...Appropriations cut it in half. Now it...I would hate to see it disappear. So I'm speaking on behalf of that Preservation Fund if it comes before the floor or just asking for your support on that because this is all tied together as part of education, helping education, going out into the community and providing funds for a lot of these projects, especially in the schools that they ordinarily cannot afford. Thank you, Mr. Vice Chairman. [CONFIRMATION]

SENATOR ROBERT: Thank you, Senator Nelson. If there's no testifiers, that will close the hearings for today and I thank everybody for coming. [CONFIRMATION]

Chairperson

Committee Clerk